

Exhibit B

****SIGNATURE**

REQUESTED**

IN THE UNITED STATES
DISTRICT COURT
FOR THE DISTRICT OF WYOMING

Civil Action Number: 23-CV-00037-ABJ

6 HORIZON TOWER LIMITED,
7 LLC and HORIZON TOWER,
LLC,
8 Plaintiffs,
9 -vs-
10 PARK COUNTY, WYOMING;
11 BOARD OF COUNTY
12 COMMISSIONERS OF PARK
13 COUNTY WYOMING; DOSSIE
OVERFIELD, LLOYD THIEL,
LEE LIVINGSTON, SCOTT
MANGOLD, AND SCOTT
14 STEWARD, in their
15 official capacity as
Members of the Board of
County Commissioners for
16 Park County, Wyoming,
17 Defendants.

DEPOSITION OF STEVEN KENNEDY

Taken on behalf of
Defendants, Park County, Wyoming

9:04 a.m., Friday
September 22nd, 2023

1 PURSUANT TO AGREEMENT, the Deposition of
2 STEVEN KENNEDY was taken in accordance with the
3 applicable Rules of Civil Procedure by Zoom
4 Conference Meeting initiated by the attorneys for
5 Park County, Wyoming before Carol A. O'Bryan,
6 Certified Court Reporter, and a Notary Public in
7 and for the State of Wyoming.

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A P P E A R A N C E S

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11 For the Plaintiffs: MINTZ, LEVIN, COHN, FERRIS,
12 GLOVSKY AND POPEO, PC
13 Attorneys at Law
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By: T. Scott Thompson, Esq.
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17 For the Defendants Park County and Prosecuting
18 Park County, WY: Attorney's Office
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19 By: Jack R. Hatfield, Esq.
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20 -and-

21 Bryan A. Skoric, Esq.
bryan.skoric@parkcounty-wy.gov
(NOT PRESENT)

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ALSO PRESENT: Madeleine Sato, Esq.

1 Because of the requirements for the site
2 and its coverage objective to try to do it with
3 two sites within the valley, it doesn't make
4 sense.

5 It doesn't make sense because you have
6 to worry about the terrain, the rolling hills, how
7 things propagate and then the primary coverage
8 objective of the highway and the houses.

9 Q Okay. Now, back to the primary coverage
10 objective. So you were provided the data from
11 Verizon Wireless based on a 195-foot tower. Did I
12 understand you correctly?

13 A I was provided the data by Verizon
14 Wireless based upon a coverage objective. I was
15 given the height of the tower by Horizon Tower.

16 Q Okay. But you believe that you would
17 actually need a 250-foot tower to cover the
18 primary coverage objective. Did I understand you
19 correctly?

20 A No. You understood that I would have
21 liked to have had a 250-foot tower, if I had my
22 druthers. But that's not the site tower
23 configuration I was given. I was asked what's the
24 minimum height needed. 195 feet.

25 Q So you were given that it had to be 195

1 A The primary coverage objective is east
2 and west on Highway 20 and the Wapiti Valley. So
3 that height will meet the coverage objective
4 barely, yes.

5 Q Okay. And so 190-foot tower will not
6 meet that objective?

7 MR. THOMPSON: Objection.

8 You can go ahead and answer.

9 A When I ran the propagation analysis, 195
10 feet was what I came up with. I ran through
11 multiple, and I run propagation analysis. I look
12 at a variety of things besides just the property
13 base. I look at the terrain, the rolling hills,
14 the primary coverage objective.

15 No, sir. I do not believe 190 feet
16 would provide the same level of service as a 195.

17 Q Okay. Would 190 foot meet the coverage
18 objective?

19 MR. THOMPSON: Objection. Asked and
20 answered.

21 You can answer if you know.

22 A I just said no.

23 Q (By Mr. Hatfield) Okay.

24 MR. THOMPSON: Can I ask for a break for
25 a minute?

1 the coverage objective and quality to the coverage
2 objective better than any other location in the
3 valley.

4 Q (By Mr. Hatfield) Okay. So there is --
5 notwithstanding zoning, CC&Rs, or anything else
6 outside of technical requirements, if I understand
7 it, you are saying where they are at right now is
8 the best place to put that tower in the valley?

9 A Because -- yes, it is because the main
10 objective is Highway 20 and the surrounding houses
11 and businesses within the Wapiti Valley.

12 This site is in a very good spot to be
13 able to do that to know exactly every other site
14 model we had to model.

15 But there is other things to take into
16 account beyond RF Engineering, and that's
17 constructability and all of those other fun
18 things.

19 But, yes, I believe that the 195-foot
20 tower that Horizon proposed is the best location
21 for the valley to meet the primary coverage
22 objective and to merge with Verizon's other sites
23 in the network.

24 Q Okay. Were you asked to model any other
25 sites within the Wapiti Valley?